

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL GEARY WILSON,
Plaintiff,

v.

MOUNT DIABLO UNIFIED SCHOOL
DISTRICT, et al.,
Defendants.

Case No.18-cv-03973-JD


ORDER DISMISSING CASE

On July 30, 2018, the Court dismissed without prejudice pro se plaintiff Michael Geary Wilson's complaint for failure to include a short and plain statement of the facts supporting his claim and the Court's jurisdiction. Dkt. No. 24. The Court gave Wilson until August 31, 2018 to file an amended complaint and advised him that failure to amend by that date would "result in a dismissal with prejudice under Federal Rule of Civil Procedure 41(b)." *Id.* As of the date of this order, the Court has not received an amended complaint.

The Court has considered the five factors set forth in *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987). The Court finds that notwithstanding the public policy favoring the disposition of actions on their merits, the Court's need to manage its docket and the public interest in the expeditious resolution of the litigation require dismissal of this action. There is no appropriate less drastic sanction in light of plaintiff's failure to amend his complaint in a timely manner. This action is dismissed with prejudice pursuant to Fed. R. Civ. Pro. 41(b) for plaintiff's failure to prosecute.

IT IS SO ORDERED.

Dated: September 12, 2018



JAMES DONATO
United States District Judge

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Case No. [18-cv-03973-JD](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 12, 2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael Geary Wilson
818 Tampico
Walnut Creek, CA 94598

Dated: September 12, 2018

Susan Y. Soong
Clerk, United States District Court

By: 
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO